

checked
DCK

RECEIVED
TECHNOLOGY CENTER 3600

03 JAN -8 AM 11:31

REISSUE LITIGATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Reissue Patent Application
For PATENT NO. 5,711,100

WILLIAM A. ELMER

Serial No. 74,598

Filing Date: June 14, 1993

For: **VEHICLE ADVERTISING
SIGN, SYSTEM AND
METHOD**

**DECLARATION OF
J. CHRISTOPHER LYNCH**

Reissue file: 10/098648

J. Christopher Lynch respectfully submits this Declaration, in support of the Protest by AutoSox USA, Inc. against the Reissue Patent Application for Patent No. 5,711,100 on behalf of William A. Elmer.

1. I am an attorney licensed to practice law in the State of Washington, and have been admitted to practice before the United States Patent and Trademark Office, Reg. No. 34,216. I reside in Spokane, Washington, am competent to testify to the matters herein upon personal knowledge, and make the statements herein under penalty of perjury.

2. Attached hereto are true and correct copies of patents issued by the governmental entity identified on the documents attached to this Declaration as Exhibits; and are documents of public record and in the public domain.

DECLARATION OF J. CHRISTOPHER LYNCH - 1

K:\45226\00001\REISSUE APPLICATION\XRH_P221B

3. Attached as Exhibit "A" is a true and correct copy of U.S. Patent No. 5,323,728 filed on June 24, 1991 and issued to **Inventor Erik Hjelm** on June 28, 1994.
4. Attached as Exhibit "B" is a true and correct copy of U.S. Patent No. 4,700,655 filed on August 26, 1986 and issued to **Inventor Daniel Kirby** on October 20, 1987.
5. Attached as Exhibit "C" is a true and correct copy of U.S. Patent No. 4,633,215 filed on April 22, 1985 and issued to **Inventors Harry N. Anders and William E. Ballard** on December 30, 1986.
6. Attached as Exhibit "D" is a true and correct copy of U.S. Patent No. 4,888,893 filed on October 26, 1987 and issued to **Inventor Jacqueline Jones** on December 26, 1989.
7. Attached as Exhibit "E" is a true and correct copy of U.S. Patent No. 3,955,786 filed on February 19, 1975 and issued to **Inventor James J. Duddy** on May 11, 1976.
8. Attached as Exhibit "F" is a true and correct copy of U.S. Patent No. 3,797,151 filed on December 6, 1971 and issued to **Inventor Halton B. Dexter** on March 19, 1974.
9. Attached as Exhibit "G" is a true and correct copy of U.S. Patent No. 3,507,245 filed on May 6, 1968 and issued to **Inventor Edmund W. Grabow** on April 21, 1970.
10. Attached as Exhibit "H" is a true and correct copy of U.S. Patent No. 3,422,556 filed on December 26, 1966 and issued to **Inventors Delbert T. Lyons and Wallace F. Manning** on January 21, 1969.
11. Attached as Exhibit "I" is a true and correct copy of U.S. Patent No. 3,241,516 filed on May 26, 1964 and issued to **Inventor Otis A. Hopkins** on March 22, 1966.
12. Attached as Exhibit "J" is a true and correct copy of Canadian Patent No. 2041396 filed on April 29, 1991 and issued to **Inventor David Muggli** on October 30, 1992.
13. Attached as Exhibit "K" is a true and correct copy of U.S. Patent No. Des. 255,726 filed on September 28, 1977 and issued to **Inventor Fred W. Leuthesser** on July 1, 1980.

14. Attached as Exhibit "L" is a true and correct copy of U.S. Patent No. 4,052,806 filed on January 12, 1976 and issued to **Inventor James Rembrandt George** on October 11, 1977.

15. Attached as Exhibit "M" is a true and correct copy of U.S. Patent No. 3,670,438 filed on June 29, 1970 and issued to **Inventors John Robert Carroll, Michael Kiniry and Anthony Finazzo** on June 20, 1972.

16. Attached as Exhibit "N" is a true and correct copy of U.S. Patent No. 3,440,748 filed on November 14, 1966 and issued to **Inventor James C. Hackley** on April 29, 1969.

17. Attached as Exhibit "O" is a true and correct copy of U.S. Patent No. 4,995,186 filed on April 20, 1990 and issued to **Inventor Russell Collie** on February 26, 1991.

18. Attached as Exhibit "P" is a true and correct copy of European Patent No. 0.415 194 A2 filed on August 29, 1989 and issued to **Inventor David Muggli** on August 16, 1990.

19. Attached as Exhibit "Q" is a true and correct copy of U.S. Patent No. 3,274,548 filed on April 3, 1963 and issued to **Inventor John W. Brimsek** on September 20, 1966.

20. Attached as Exhibit "R" is a true and correct copy of U.S. Patent No. 3,245,165 filed on June 18, 1965 and issued to **Inventor Robert A. Podoloff** on April 12, 1966.

21. Attached as Exhibit "S" is a true and correct copy of U.S. Patent No. 2,960,786 filed on June 30, 1958 and issued to **Inventor Samuel Wagner** on November 22, 1960.

22. Attached as Exhibit "T" is a true and correct copy of U.S. Patent No. 2,875,324 filed on August 31, 1956 and issued to **Inventors Richard L. Camp and William J. Paulson** on February 24, 1959.

23. Attached as Exhibit "U" is a true and correct copy of U.S. Patent No. 4,671,004 filed on June 16, 1986 and issued to **Inventor Marlin C. Berg** on June 9, 1987.

24. Attached as Exhibit "V" is a true and correct copy of U.S. Patent No. 4,667,428 filed on April 29, 1985 and issued to **Inventor William A. Elmer** on May 26, 1987.

25. Attached as Exhibit "W" is a true and correct copy of U.S. Patent No. 3,936,967 filed on July 18, 1974 and issued to **Inventor Charles H. Davis** on February 10, 1976.

26. Attached as Exhibit "X" is a true and correct copy of U.S. Patent No. 3,924,344 filed on August 13, 1974 and issued to **Inventor Charles H. Davis** on December 9, 1975.

27. Attached as Exhibit "Y" is a true and correct copy of U.S. Patent No. 3,242,329 filed on February 4, 1964 and issued to **Inventor Ralph Abrams** on March 22, 1966.

28. Attached as Exhibit "Z" is a true and correct copy of U.S. Patent No. 3,225,475 filed on June 18, 1964 and issued to **Inventor Rufus Harold Shank** on December 28, 1965.

29. Attached as Exhibit "AA" is a true and correct copy of U.S. Patent No. 3,810,092 filed on November 24, 1972 and issued to **Inventor Charles M. Tucker** on May 7, 1974.

30. Attached as Exhibit "BB" is a true and correct copy of U.S. Patent No. 5,082,317 filed on February 20, 1991 and issued to **Inventor Robert G. Delaney, Jr.** on January 21, 1992.

31. Attached as Exhibit "CC" is a true and correct copy of U.S. Patent No. 5,010,622 filed on June 26, 1990 and issued to **Inventor Tamao Morita** on April 30, 1991.

32. Attached as Exhibit "DD" is a true and correct copy of U.S. Patent No. 4,669,766 filed on September 11, 1986 and issued to **Inventors Leland J. Hanchett, Jr. and Mark A. Lawrence** on June 2, 1987.

33. Attached as Exhibit "EE" is a true and correct copy of U.S. Patent No. 4,633,563 filed on October 31, 1985 and issued to **Inventor Stanley Rykaczewski** on January 6, 1987.

34. Attached as Exhibit "FF" is a true and correct copy of European Patent No. 0 239 185 A1 filed on March 27, 1986 and issued to **Inventor Derek Edwin Ellis** on September 30, 1987.

35. Attached as Exhibit "GG" is a true and correct copy of U.S. Patent No. 4,487,439 filed on October 27, 1981 and issued to **Inventor William C. McFadden** on December 11, 1984.

36. Attached as Exhibit "HH" is a true and correct copy of U.S. Patent No. 4,287,676 filed on May 22, 1978 and issued to **Inventor Robert S. Weinhaus** on September 8, 1981.

37. Attached as Exhibit "II" is a true and correct copy of U.S. Patent No. 3,781,047 filed on March 31, 1972 and issued to **Inventor Walter E. Surko, Jr.** on December 25, 1973.

37. Attached as Exhibit "JJ" is a true and correct copy of U.S. Patent No. 3,244,443 filed on May 17, 1965 and issued to **Inventor Marion E. Rodgers** on April 5, 1966.

38. Attached as Exhibit "KK" is a true and correct copy of U.S. Patent No. 2,761,718 filed on November 25, 1955 and issued to **Inventor Robert A. Tool** on September 4, 1956.

39. Attached as Exhibit "LL" is a true and correct copy of U.S. Patent No. 4,848,713 filed on June 30, 1988 and issued to **Inventor William E. Adams** on July 18, 1989.

40. Attached as Exhibit "MM" is a true and correct copy of U.S. Patent No. 3,230,653 filed on October 31, 1963 and issued to **Inventor Furman E. Rice** on January 25, 1966.

41. Attached as Exhibit "NN" is a true and correct copy of U.S. Patent No. 2,977,082 filed on November 21, 1958 and issued to **Inventor Arthur L. Harris** on March 28, 1961.

42. Attached as Exhibit "OO" is a true and correct copy of U.S. Patent No. 2,659,169 filed on May 22, 1951 and issued to **Inventor Raymond F. Brennan** on November 17, 1953.

43. Attached as Exhibit "PP" is a true and correct copy of U.S. Patent No. 4,574,726 filed on July 17, 1984 and issued to **Inventor Jeremiah F. Sullivan** on March 11, 1986.

44. Attached as Exhibit "QQ" is a true and correct copy of U.S. Patent No. 3,633,299 filed on July 22, 1969 and issued to **Inventor Dale B. Westin** on January 11, 1972.

45. Attached as Exhibit "RR" is a true and correct copy of U.S. Patent No. 3,471,958 filed on January 16, 1968 and issued to **Inventor Dale B. Westin** on October 14, 1969.

46. Attached as Exhibit "SS" is a true and correct copy of U.S. Patent No. 3,290,813 filed on June 24, 1966 and issued to **Inventor Ralph B. Rose, Sr.** on December 13, 1966.

47. Attached as Exhibit "TT" is a true and correct copy of U.S. Patent No. 2,077,585 filed on September 5, 1936 and issued to **Inventor Joseph Crawford Rivers** on April 20, 1937.

48. Attached as Exhibit "UU" is a true and correct copy of U.S. Patent No. 4,780,978 filed on May 28, 1986 and issued to **Inventor Lauge Sonderb** on November 1, 1988.

49. Attached as Exhibit "VV" is a true and correct copy of U.S. Patent No. Des. 307,745 filed on May 21, 1987 and issued to **Inventor William E. Adams** on May 8, 1990.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct:

EXECUTED this 1st day of November, 2002 at Spokane, Washington.

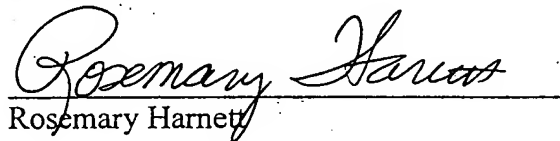


J. CHRISTOPHER LYNCH

CERTIFICATE OF MAILING

I hereby certify that this DECLARATION OF J. CHRISTOPHER LYNCH is being deposited with the United States Postal Service as Express Mail on the 1st day of November, 2002, in an envelope addressed to the following:

- and
- (1) The Assistant Commissioner for Patents, BOX DAC, Washington, D.C. 20231,
 - (2) Mr. Herbert L. Allen, Allen, Dyer, Doppelt, Franjola & Milbrath, P.A.
255 South Orange Avenue, Suite 1401, Orlando, FL 32802-3791
Attorneys for William A. Elmer, Applicant



Rosemary Harnett